

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

JOEFFRE KOLOSKY,

Plaintiff,

v.

ORDER

Civil File No. 04-1427 (MJD/JGL)

UNUM LIFE INSURANCE COMPANY
OF AMERICA,

Defendant.

Joeffre Kolosky, pro se.

John Harper, III, and Terrance J. Wagener, Krass Monroe, Counsel for Defendant.

This matter is before the Court on remand from the Eighth Circuit Court of Appeals. Defendant UNUM Life Insurance Company of America has filed a Second Motion for Summary Judgment [Docket No. 64] and Plaintiff Joeffre Kolosky has filed a Motion for Summary Judgment and to Add Employer Fairview and Union AFSCME as Defendants [Docket No. 68].

The Court denies Kolosky's motion to add Fairview University Medical Center and AFSCME Local 1164 as Defendants in this case. First, this case is before the Court on a limited remand from the Eighth Circuit Court of Appeals.

The appellate court remanded to this Court “solely to review anew UNUM’s LTD benefits decision under an abuse-of-discretion standard.” Additional claims against Fairview and AFSCME are not within the scope of the limited remand.

Second, Kolosky is subject to a District of Minnesota Court Order, in Kolosky v. State of Minnesota, et al., Civil File No. 05-1350 (JRT/FLN), providing that Kolosky “is prohibited from filing additional lawsuits against Fairview and AFSCME unless he is represented by counsel or obtains prior written approval from a United States Magistrate Judge.” (March 22, 2006 Order at 8 [Docket No. 37].) Kolosky is not represented by counsel; nor has he received written approval from a United States Magistrate Judge to add these parties as Defendants to this lawsuit.

Third, the deadline for amending Kolosky’s complaint and adding additional parties has long since passed.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Plaintiff Joeffre Kolosky’s Motion to Add Employer Fairview and Union AFSCME as Defendants [Docket No. 68] is **DENIED**. Kolosky’s Motion for Summary Judgment [Docket No. 68] remains pending.

2. Fairview University Medical Center and AFSCME Local 1164 are not required to file any pleadings or documents in this lawsuit.

Dated: February 17, 2007

s / Michael J. Davis
Judge Michael J. Davis
United States District Court